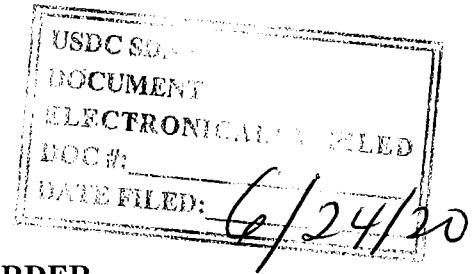


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHNNY NUNEZ SR.,
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.
-----X



ORDER

19 CV 9772 (VB)

Plaintiff, proceeding pro se and in forma pauperis, filed this social security appeal by complaint dated October 21, 2019, seeking review of the Commissioner's dismissal of his request for an ALJ hearing for failure to appear. On May 5, 2020, pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner filed a motion to remand the case to reconsider whether plaintiff had good cause for failing to appear at his hearing. (Doc. #19). Plaintiff has not opposed the motion.

Accordingly, for the reasons set forth in the Commissioner's motion, the motion to remand is GRANTED, the Commissioner's decision is REVERSED, and this case is REMANDED to the Social Security Administration for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), including to reconsider whether plaintiff had good cause for failing to appear at his hearing.

The Clerk is instructed to terminate the motion (Doc. #19) and close this case.

Chambers will mail a copy of this Order to plaintiff at the following address:

Johnny Nunez Sr.
4511 3rd Avenue
Apartment 8-C
Bronx, NY 10457

Dated: June 24, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge